

PTO/SB/28 (10-00)

Approved for use through 10/31/2002. OMB 0651-0092
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing

CHECK BOX, if applicable

☐ DUPLICATE

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231Attorney Docket No.
of Prior Application

019916-004300US

First Named Inventor

EMPEDOCLES, STEPHEN A.

Examiner Name

TRAN, M.C.

Group Art Unit

1841

RIGHT FAX NO.

703/ 872-9307

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),

(continued prosecution application (CPA)) of prior application number 09/827,076

filed on April 5, 2001, entitled TWO-DIMENSIONAL SPECTRAL IMAGING SYSTEM.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14866 (Mar. 30, 2000), 1293 Off. Gaz. Pat. Office (Apr. 11, 2000).

CONTINUATION-IN-PART NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
 - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:

 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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PTO/SB/29 (10-00)

Approved for use through 10/31/2002. OMB 0851-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(e) or (j))	20-20* =	0	x \$18=	\$0
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	3-3** =	0	x \$84=	\$0
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			x =	
				BASIC FEE (37 CFR 1.16)	\$750
				Total of above Calculations =	\$750.00
				Reduction by 50% for filing by small entity (Note 37 CFR 1.27)	\$375.00
				Relissu claims in excess of 20 and over original patent.	
				** Relissu independent claims over original patent.	
				TOTAL =	\$375.00

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 20-1430 :
- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$ _____ is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) enclosed.
11. ☐ New Attorney Docket Number, if desired
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☒ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☐ Return Receipt Postcard (Should be specifically itemized, See MPEP 502)
13. ☐ Other: _____

14. NEW CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code LabelCustomer No. 20950
(Insert Customer No. or Attach bar code label here)or ☐ New correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)

Mark D. Barrish

Signature

Registration No. (Attorney/Agent)

38,443

Date

3 MARCH 2003

PTO/SB/38A (08-00)

Approved for use through 10/31/2002, OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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If this **RECEIPT** is included with a request for a CPA filed by facsimile transmission, it will be date stamped and mailed to the **ADDRESS** in item 1.

1. ADDRESS

Applicant's Mailing Address for this receipt must be **CLEARLY PRINTED** or **TYPED** in the box below.

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111

**RECEIPT
FOR
FACSIMILE TRANSMITTED
CPA**

(To accompany a request for a
Continued Prosecution Application
(CPA) under 37 CFR 1.53(d) filed by
facsimile transmission)

NOTE: By this receipt, the USPTO (a) acknowledges that a request for a CPA was filed by facsimile transmission on the date stamped below by the US PTO and (b) Verifies only that the application number provided by the applicant on this receipt is the same as the application number provided on the accompanying request for a CPA. This receipt **CANNOT** be used to acknowledge receipt of any paper(s) other than the request for a CPA.

2. APPLICATION IDENTIFICATION:

(Provide at least enough information to identify the application)

a. For prior application

Application No: **09/827,076**
Filing Date: **04/05/2001**
Title: **TWO-DIMENSIONAL SPECTRAL IMAGING SYSTEM**
Attorney Docket No: **019916-004300US**
First Named Inventor: **EMPEDOCLES, STEPHEN A., ET. AL.**

b. For instant CPA application

New Attorney Docket No:
(if applicable)

The USPTO date stamp, which appears in the box to the right, is an acknowledgement by the USPTO of receipt of a request for a CPA filed by facsimile transmission on the date indicated below.

(THIS AREA FOR PTO DATE STAMP USE)

USPTO HANDLING INSTRUCTIONS

Please stamp area to the right with the date the complete transmission of the request for a CPA was received in the USPTO and also include the USPTO organization name that provided the date stamp (stamp may include both items). Verify that the application number provided by applicant on this receipt is the same as the application number provided by applicant on the request for a CPA accompanying this receipt. If there is an inconsistency between the application number provided on this receipt and the request for a CPA, strike through the inconsistent application number provided on this receipt and insert the correct application number, if possible. Then place in a window envelope and mail.

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.
PA 3287972 v1

I hereby certify that this correspondence is being facsimile
transmitted to the U.S. Patent Office at FAX NO. 703/ 872-9307

on March 3, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Nancy Pizzo
Nancy Pizzo

PATENT

Attorney Docket No.: 019916-004300US

Client Ref. No.: 0010D-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

STEPHEN A. EMPEDOCLES et al.

Application No.: 09/827,076

Filed: April 5, 2001

For: TWO-DIMENSIONAL SPECTRAL
IMAGING SYSTEM

TC/A.U.: 1641

Examiner: TRAN, M.C.

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to examination of the above-referenced application, please enter the
following amendments and remarks.

Amendment to the Claims are reflected in the listing of claims which begins on page 2 of this
paper.

Amendment to Drawings begin on page 4 of this paper and include an attached Replacement
Sheet.

Remarks begin on page 5 of this paper.

A Clean Copy of Pending Claims is attached starting on page 8 of this paper.

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